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9 IN THE UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA
11

12 UNITED STATES OF AMERICA,
13 Plaintiff,
14 v.
15 CHARLES ANTHONY TOOMA,
aka Michael Bourne,
16 aka Charles Anthony McGavin,
17 Defendant.

CASE NO. CR S 04-0029 MCE
MOTION TO DISMISS;
ORDER

18
19 An indictment was filed in this matter on January 22, 2004, against the above-referenced
20 defendant and three others alleging a violation of Title 18, United States Code §§ 1347 and 2 [Health
21 Care Fraud and Aiding and Abetting]. (Docket, #1). While defendant Tooma has yet to make an
22 appearance in this case, the matter has been resolved with respect to his three co-defendants. (Docket,
23 ## 17, 30, 41.)

24 Following return of the indictment, an arrest warrant issued for defendant Tooma. In the more
25 than fourteen years which have passed since the indictment issued, law enforcement has been unable to
26 apprehend him. Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, plaintiff United
27 States of America seeks the leave of this Honorable Court to dismiss the indictment as to defendant
28 Tooma without prejudice. This motion is based upon the passage of time and limitations of government

resources. The United States also respectfully requests that the arrest warrant be recalled and this case be closed on the Court's docket.

Dated: August 1, 2018

McGREGOR W. SCOTT
United States Attorney

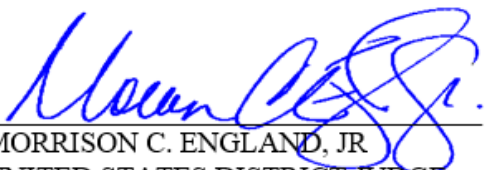
/s/ Philip A. Ferrari
PHILIP A. FERRARI
Assistant United States Attorney

ORDER

The United States' motion to dismiss is GRANTED and the indictment as to defendant Tooma (Docket, #1) is ordered DISMISSED WITHOUT PREJUDICE. The arrest warrant is recalled and Case CR S 04-0029 MCE shall be closed on the Court's docket. .

IT IS SO ORDERED.

Dated: August 6, 2018


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE